

BS00097 CIP 1  
U.S. Application No. 10/802,085 Examiner Gauthier, Art Unit 2645  
Request for Reconsideration in Response to July 25, 2006 Office Action

### REMARKS

In response to the Office Action dated July 25, 2006, the Assignee respectfully requests reconsideration based only on the following remarks. Because the pending claims already recite features that distinguish over the cited patent to *Brisebois*, the Assignee respectfully submits that the pending claims are ready for allowance.

Claims 1-5, 8-12, and 15-22 are pending in this application.

The United States Patent and Trademark Office (the "Office") rejected claims 1-5, 8-12, and 15-22 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,310,944 to *Brisebois et al.*

The pending claims, however, are not anticipated. As the following paragraphs explain, the pending claims already recite features that are not taught or suggested by *Brisebois*. The § 102 (e) rejection, therefore, must be withdrawn.

Moreover, the pending claims deserve an allowance. The previous two office actions have failed to cite relevant documents. The Assignee thus respectfully submits that the pending claims are ready for allowance.

### Rejection of Claims Under 35 U.S.C. § 102

The Office rejects claims 1-5, 8-12, and 15-22 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,310,944 to *Brisebois et al.* A claim, however, is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P.").

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The pending claims are not anticipated. Claims 1-5, 8-12, and 15-22 already recite features that distinguish over U.S. Patent 6,310,944 to Brisebois *et al.* Independent claim 1, for example, recites “accessing a database of pre-created text messages, the database storing a pre-created text message having a common association between the receiving party and the originating party” (emphasis added). Independent claim 1 additionally recites “communicating the pre-created text message to an Internet Protocol address associated with the originating party” (emphasis added). Independent claim 1 is reproduced below, and independent claims 9, 21, and 22 recite similar features.

[c01] A method of providing communications services, comprising:

receiving caller identification information identifying a call from an originating party to a receiving party;

accessing a database of pre-created text messages, the database storing a pre-created text message having a common association between the receiving party and the originating party; and

communicating the pre-created text message to an Internet Protocol address associated with the originating party.

The patent to Brisebois *et al.* does not anticipate the claims. Examiner Gauthier is correct — Brisebois teaches “context information” that is associated with caller identification information. *See, e.g.*, U.S. Patent 6,310,944 to Brisebois *et al.* (Oct. 30, 2001) at column 6, lines 50-55. Examiner Gauthier is also correct — Brisebois describes a “short message” that is sent to a called party. *Id.* at column 7, lines 31-32. Yet no where does Brisebois teach “accessing a database of pre-created text messages, the database storing a pre-created text message having a common association between the receiving party and the originating party” (emphasis added). Brisebois’s “short message” is sent to the called party’s GSM phone to inform the called party of the caller’s desired communication (*e.g.*, voice connection). *Id.* at column 7, lines 26-32. No where, however, does Brisebois teach that this “short message” has “a common association between the receiving party and the originating party,” as recited in the independent claims. The patent to Brisebois *et al.*, then, fails to disclose all the features recited by the independent claims.

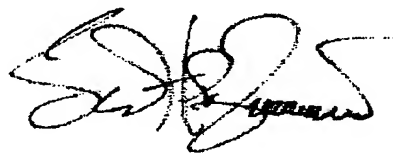
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The Assignee must point out another distinguishing feature in the claims. All the independent claims additionally recite "*communicating the pre-created text message to an Internet Protocol address associated with the originating party*" (emphasis added). *Brisebois's* "short message," in contradistinction, is sent to the called party. *Brisebois's* "short message" is NOT "*communicat[ed] ... to an Internet Protocol address associated with the originating party*," as all the independent claims similarly recite. As *Brisebois* explains, the calling party initiates a call to the called party's GSM handset. See U.S. Patent 6,310,944 to *Brisebois et al.* (Oct. 30, 2001) at column 7, lines 27-29. The calling party selects a voice connection. See *Id.* at column 7, lines 29-31. A server sends the "short message" to the called party's GSM network. *Id.* at column 7, lines 31-33. The "called party" receives the call request, along with the message. *Id.* at column 7, lines 32-34. *Brisebois's* "short message," then, is NOT "*communicat[ed] ... to an Internet Protocol address associated with the originating party*," as all the independent claims similarly recite.

Claims 1-5, 8-12, and 15-22, then, cannot be anticipated by *Brisebois*. Independent claims 1, 9, 21, and 22 each recite several features that are not disclosed by *Brisebois*. These independent claims, therefore, cannot be anticipated by *Brisebois*. The dependent claims incorporate the same distinguishing features, so the dependent claims cannot be anticipated. Examiner Gauthier is thus respectfully requested to remove the § 102 rejections of the claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@wzpatents.com](mailto:scott@wzpatents.com).

Respectfully submitted,



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